

for permissibility which must be met to obtain MSHA field approval of electrically operated machinery used or intended for use in by the last open crosscut of a coal mine which has not been otherwise approved, certified or accepted under the provisions of this part 18, chapter I, title 30, Code of Federal Regulations (Bureau of Mines Schedule 2G).

§ 18.91 Electric equipment for which field approvals will be issued.

(a) Individual field approvals will be issued by MSHA under the provisions of this subpart E for electrically operated machines commercially built, or constructed, by the owner-coal mine operator of such machines including any associated electrical equipment, electrical components, and electrical accessories.

(b) Approvals will not be issued under the provisions of this subpart E for electrically operated mining equipment manufactured or rebuilt primarily for sale or resale to any operator of a coal mine, or for small electrically operated equipment which consumes less than 2,250 watts of electricity, or for instruments and other small devices which employ electric power.

§ 18.92 Quality of material and design.

(a) Electrically operated machinery approved under the provisions of this subpart E shall be rugged in construction and shall be designed to facilitate maintenance and inspection.

(b) MSHA shall conduct field investigations and, where necessary, field test electric machinery only where such machinery is found to be constructed of suitable materials and safe for its intended use.

§ 18.93 Application for field approval; filing procedures.

(a)(1) Investigation and testing leading to field approval shall be undertaken by MSHA only pursuant to individual written applications for each machine submitted in triplicate on MSHA Form No. 6-1481, by the owner-coal mine operator of the machine.

(2) Except as provided in paragraph (b) of this section, each application shall be accompanied by appropriate

photographs, drawings, specifications, and descriptions as required under the provisions of §18.94 and each such application shall be filed with the Coal Mine Health and Safety District Manager for the District in which such machine will be employed.

(b) The Coal Mine Health and Safety District Manager may, upon receipt of any application filed pursuant to paragraph (a) of this section, waive the requirements of §18.94 with respect to such application if he determines that the submission of photographs, drawings, specifications, or descriptions will place an undue financial burden upon the applicant. In the event a waiver is granted in accordance with this paragraph (b), initial review of the application will be waived and the applicant shall be notified on MSHA Form 6-1481 of such waiver and the date, time, and location at which field inspection of the equipment described in the application will be conducted.

(c) Following receipt of an application filed in accordance with paragraph (a) of this section, the Coal Mine Health and Safety District Manager shall determine whether the application has been filed in accordance with §18.91, and cause the application to be reviewed by a qualified electrical representative to determine compliance with §18.92:

(1) If it is determined on the basis of the application or the data submitted in accordance with §18.94 that further consideration of a field approval is warranted under this subpart E or that the machine appears suitable and safe for its intended use, the Coal Mine Health and Safety District Manager shall advise the applicant in writing that further investigation and inspection of the machine will be necessary. The notice issued by the Coal Mine Health and Safety District Manager shall set forth the time and place at which such inspection will be conducted and specify the location and size of any tapped holes required to be made by the applicant to facilitate the pressure testing of enclosures.

(2) If it is determined on the basis of data submitted in accordance with §18.94 that the applicant is not qualified to receive an approval or that the machine does not appear to be suitable